



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

08/158,031

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
---------------	-------------	----------------------	---------------------

08/158,031 11/26/93 FILEPP

R PERTOOLIS

EXAMINER

24M1/0221

FEILD, J

ART UNIT

PAPER NUMBER

PAUL C. SCIFO
233 BROADWAY, SUITE 4703
NEW YORK, NY 10279

11

2412
DATE MAILED:

02/21/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 10/19/95 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-17 are pending in the application.

2. Of the above, claims None are withdrawn from consideration.

3. Claims _____ have been cancelled.

4. Claims 1-17 are allowed.

5. Claims _____ are rejected.

6. Claims _____ are objected to.

7. Claims _____ are subject to restriction or election requirement.

8. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

9. Formal drawings are required in response to this Office action.

10. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

11. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

12. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

13. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

14. Other _____

EXAMINER'S ACTION

Art Unit: 2301

1. This office action is responsive to amendment C, filed 10/19/95.
2. The examiner previously in charge of your application in the PTO has left the PTO. The examiner now in charge of your application is Joseph Feild, Group Art Unit 2412. Applicant is requested to update this information in future correspondence.

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claims 1-17 are rejected under 35 U.S.C. § 103 as being unpatentable over Microsoft Windows; Version 2.0.

As per independent claim 1, 2.0 teaches generating a screen display that includes a plurality of partitions that may be reused and generating at least a first partition for presenting applications (With Windows, you can run several different

DEPARTMENT OF COMMERCE

Art Unit: 2301

applications at once, and switch from one to another without quitting any of them) (Book 1, page viii). 2.0 also teaches generating concurrently with the first partition a second partition for presenting command functions (drop-down menus) (Book 1, page x). Regarding "the command functions . . . selectable to permit movement between applications" as part of a "second partition". 2.0 discloses the Window menu selection which, when selected allows the user to "move between applications".

It is noted that 2.0 fails to explicitly teach "interactive service provided in a computer network" and "the elements being stored in the network". However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such a service because Windows itself is an "interactive service", and it has long been well known to operate Windows on a network. Furthermore, regarding "some of the elements may be used in more than one application", all of the windows used in Windows have the same general appearance. Thus, it seems reasonable that the "partitions are constructed from information elements having a prescribed structure". It would have been obvious to one of ordinary skill in the art at the time of the invention to reuse these elements anyway because doing so would free up processing time and space.

Art Unit: 2301

As per claim 2, 2.0 teaches providing the command functions with a command for moving between available applications (alt+tab) (page 83, lines 19-34) as well as using the mouse to select desired applications, and via the Window menu, which allows "random movement". 2.0 also teaches subgroup command functions (using the Fonts command) (Book 4, page 36, line 7 - page 37, lines 12).

As per claims 3, 4 and 10, 2.0 teaches subgroup command functions (using the Fonts command) (Book 4, page 36, line 7 - page 37, lines 12).

As per claim 5, 2.0 teaches entering a character string to search for an application (Search) (command bar, bottom Figure page xi).

As per claims 6 and 7, it is old and well known to use an index or directory when searching such as that found in an Help command, therefore it would have been obvious to one of ordinary skill in the art to use a feature such as this in order to enable easier searches.

As per claims 8 and 9, 2.0 teaches using a physical analogy to select a desired application (Paint commands) (top Figure, page xii).

As per claims 10 and 11, it would have been obvious to one of ordinary skill in the art at the time of invention to let the

Art Unit: 2301

user program order of selected applications therefore allowing for more efficient user interaction during further processing.

As per claims 12 and 14, 2.0 teaches multiple screen partitions (Figure, page x).

As per claim 13, 2.0 implicitly teaches advertising. 2.0 teaches using various art to represent various displays (icons) therefore it is implicit that if the intent was to sell a product then one could create an ad of some sort.

As per claims 15-17, 2.0 teaches partitions with fields (Figure, page viii).

5. Applicant's arguments filed 10/19/95 have been fully considered but they are not deemed to be persuasive.

First, due to the amendments to the claims, the 35 U.S.C. §102(a) rejection has been changed to 35 U.S.C. §103. The examiner maintains that the instant invention would have been obvious to one of ordinary skill in the art at the time of the invention.

Applicant argues that Windows does not disclose "interactive service". This is treated above under 35 U.S.C. §103.

Regarding "data objects", a pixel or address or bit or any data at all constitutes a "data object", so anything that is displayed, such as a window border, constitutes a "data object" such as that disclosed by Windows. Applicant argues about "minimal delay". The examiner would like applicant to point to

Art Unit: 2301

the claim language which recites anything associated with "minimal delay". The examiner cannot find such language in the claims.

Part of the difference in opinion between applicant and the examiner stems from the fact that applicant is reading subject matter into the claims that is not explicitly drafted in the claims. For example, at page 5, applicant states that "the Examiner mistakenly refers to reuse of partitions (par. 3, ln5 et seq.) not the information elements that make up the partitions". However, the claim language reads on such an interpretation because the partitions themselves are composed of "information elements". Applicant should more clearly define the invention in the claims.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Serial Number: 08/158,031

-7-

Art Unit: 2301

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Feild whose telephone number is (703) 305-9792. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. (EST) except the first Friday of each biweek.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 305-9701. The fax phone number for this Group is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mark Zimmerman

MARK K. ZIMMERMAN
PRIMARY EXAMINER
GROUP 2400

Joseph H. Feild
Joseph H. Feild
Patent Examiner
Art Unit 2412

February 18, 1996